ROGERS JOSEPH O'DONNELL
Gayle M. Athanacio (State Bar No. 130068)
gathanacio@rjo.com
Tyson Arbuthnot (State Bar No. 215225)
tarbuthnot@rjo.com
311 California Street
San Francisco, California 94104
Telephone: 415.956.2828
Facsimile: 415.956.6457

Attorneys for Secured Creditor
Eurosemillas, S.A.

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

In Re: iNDx LIFECARE, INC., Debtor,	Case No. 16-52307-DM Chapter 11 **SECURED CREDITOR EUROSEMILLAS S.A.'S RESERVATION OF RIGHTS RE DEBTOR'S AMENDED MOTION TO DISMISS** Date: December 16, 2016 Time: 10:00 am Place: United States Bankruptcy Court 450 Golden Gate Avenue, 16th Floor San Francisco CA 94102 Judge: Hon. Dennis Montali

TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY JUDGE, THE DEBTOR AND ITS COUNSEL, THE UNITED STATES TRUSTEE AND OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT that I, Gayle M. Athanacio, and the firm of Rogers Joseph O'Donnell, enter a special appearance on behalf of Secured Creditor

Eurosemillas, S.A. ("Eurosemillas") in connection with Debtor iNDx Lifecare Inc.'s Amended Motion To Dismiss set for hearing at 10:00 a.m., December 16, 2016, before this Court. I am a member of the State Bar of California and am admitted to practice in the Northern District of California.

Various disputes exist between Eurosemillas, on the one hand, and NMS Labs and PLC Diagnostics, on the other, including a dispute with regard to their respective rights, title and interest in certain Intellectual Property Rights that NMS and PLC Diagnostics purported to foreclose upon and purchase through their affiliate intellectual property holding company. Eurosemillas disputes, among other things, the foreclosure and NMS and PLC Diagnostics' denial of Eurosemillas' *pari passu* interest in the IP pursuant to their Intercreditor Agreement. However, regardless of the outcome of this dispute, Debtor and the creditors claiming interest in the IP Rights recognize the IP Rights are over-encumbered by secured liens, and would yield no benefit to Debtor's estate. For this reason, and others, Eurosemillas does not oppose dismissal of the present bankruptcy action.

By this filing, Eurosemillas reserves all of its rights and defenses, including its right to object to or otherwise oppose any alternative relief at the hearing on this motion, or to dispute or respond to any other filings or positions in response to Debtor's motion that Eurosemillas believes otherwise could adversely affect any of its rights, claims, defenses or interests.[1]

Dated: December 2, 2016

ROGERS JOSEPH O'DONNELL

By: /s/ Gayle M. Athanacio
GAYLE M. ATHANACIO
Attorneys for Secured Creditor
Eurosemillas, S.A.

---

[1] Eurosemillas reserves all rights, claims, causes of actions and defenses against NMS and PLC Diagnostics.